

DOCKET NO. 001-035A

I hereby certify that this correspondence is being filed by fax transmission to 703.872.9306, Commissioner for Patents, Alexandria, VA 22313 on Aug 16 2004 For: The Gates Corporation Signature: Scott Tallent Date signed: August 16, 2004

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IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re Application of:)
SCHWANDER, Frank)
Serial No. 10/005,083) Examiner: Kim, Ahshik
Filed: 12/4/2001) Art Unit: 2876
For: Spindle Sleeve with Transponder) ARGUMENT and
Petition for Extension of Time

Via Fax: 703.872.9306
Commissioner for Patents
Art Unit 2876
Alexandria, VA 22313

Dear Examiner Kim:

This argument is responsive to the non-final office action mailed 5/3/04. As noted in the prior response the allowable subject matter, namely claims 10-15 and 19, is appreciated by Applicant. No amendments are submitted in this response. The following argument is submitted for the Examiner's consideration in response to the following rejection entered in the office action.

Applicant requests an extension of time in which to respond pursuant to 37 CFR §1.136.

I. Argument.

1. Claims 1-9, 16-18, and 20 are rejected under 35 U.S.C. 102(e) as being anticipated by Rensel (US 6,036,179).

As to claims 1, 7, and 16, Applicant respectfully disagrees with the Examiner's characterization of the tires 22 and tire tag 27 taught in Rensel. Rensel does not teach all of the claimed limitations arranged as in the claim. Rensel only teaches "each of the tires 22 includes a tire tag 27 which is mounted on the innerliner of the tire in the vicinity of bead area 25." (emphasis added) col. 4, lines 30-32. At most Rensel suggests that tag 27 is permanently and immovably mounted, in some manner, on an outer surface of the innerliner of the tire, see Fig. 4. This allows tag 27 and its integral sensor 29 to detect pressure in the tire cavity 30, col. 4, lines 37-43. Mounting of tag 27 may be accomplished by an adhesive, although this is not specifically disclosed. Nothing more in this regard is taught by the reference. No teaching is made concerning a receiving portion for tag

27 in tire 22. No teaching is provided that tag 27 is sealed into a receiving portion cured into the elastomeric product as claimed in claim 1. No teaching is provided of a receiving portion formed in the elastomeric body as claimed in claim 7. Nor does tire 22 comprise a sleeve having a pocket for moveably containing an electronic data logging device as claimed in claim 16.

Regarding the air spring 12 shown in Fig. 3, device 50 is not mounted in (or on) the elastomeric product, instead, it is mounted on an end plate 37, col. 5, lines 23-25. No teaching is provided that any receiving portion is cured into sleeve 42 to receive device 50, or, that elastomeric sleeve 42 receives device 50 in any way. See also col. 5, lines 31-34: "However, when mounted on outer surface 52, device 50 is easily changed and repaired *since it does not require any disassembly of the elastomeric sleeve 42.*" (Emphasis added.) As in the case for the tire embodiment argued above, Rensel does not teach that device 50 is sealed within (or mounted upon) elastomeric sleeve 42. Therefore, Rensel does not teach that device 50 is sealed into a receiving portion cured into the elastomeric product as claimed in claim 1. No teaching is provided of a receiving portion formed in the elastomeric body as claimed in claim 7. Nor does elastomeric sleeve 42 comprise a sleeve having a pocket for moveably containing an electronic data logging device as claimed in claim 16.

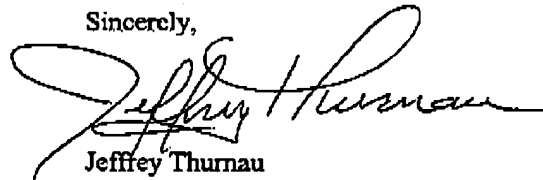
Claims 2-6 depend directly or ultimately from claim 1. Claims 8-15 depend directly or ultimately from claim 7. Claims 17-20 depend directly or ultimately from claim 16.

II. Fees.

Any fees payable for this amendment and petition for extension of time may be deducted from deposit account 07-0475 in the name of the Gates Corporation.

Thank you for your attention to this case. If any questions arise, please call at the number below.

Sincerely,



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Date: Aug. 16, 2004

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RESPONSE TO: NON-FINAL OFFICE ACTION MAILED MAY 3, 2004

**ATTACHMENTS INCLUDE: ARGUMENT AND PETITION FOR
EXTENSION OF TIME - 2 PAGES**